

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CASE NO. 11-69266-WLH
)
DIEGO A. MOLINA-SALAS,)
) CHAPTER 7
Debtor.)

MOTION TO SETTLE AND COMPROMISE A CONTROVERSY

Edwin K. Palmer, trustee and movant herein, by his undersigned attorneys, moves to settle and compromise a controversy involving claims related to the Debtor and this estate and respectfully shows as follows:

1.

Edwin K. Palmer, movant, is the duly appointed and acting trustee herein, and is represented by counsel Ragsdale, Beals, Seigler, Patterson & Gray pursuant to an Order of this Court.

2.

In connection with his investigation of this case, movant, by his undersigned attorneys, has determined that there is equity in Debtor's residence [2623 Winding Lane, Atlanta, Georgia 30319, hereinafter the "residence"] in excess of Debtor's exemptions allowed under Georgia law. After investigation and review by Movant's real estate agent, the agent has recommended that the trustee list the residence for sale at approximately \$250,000.00. If Trustee could sell the

residence at this price, after the deduction of anticipated commissions, closing costs, debtor's exemption, and the secured indebtedness against the residence, the estate could net approximately \$20,000.00.

The residence is clearly an asset of this estate, and Movant has the right to sell the residence under 11 U.S.C. § 363.

3.

Debtor fully disputes Trustee's valuation. Debtor asserts that the gross sales price of the residence would be substantially less than \$250,000.00. Moreover, Debtor wishes to remain in the residence, and is prepared to oppose, at the appropriate time, any 11 U.S.C. § 363 Motion to Sell. In addition, during the marketing period, the secured indebtedness against the residence would continue to increase.

4.

Following research and investigation by Trustee's counsel, and following negotiations with the counsel for the Debtor, the parties have agreed to settle this matter.

5.

The Debtor has agreed to pay the Trustee \$9,500.00 to settle the estate's claim to the residence. In exchange for the payment of \$9,500.00 to the Trustee, the Trustee shall abandon

the residence pursuant to 11 U.S.C. § 554.

6.

Trustee states in his judgment that the proposed settlement is fair and that it would be in the best interest of the estate to accept the proposed settlement.

WHEREFORE, movant prays that:

- (a) Movant be allowed to enter into the settlement as proposed; and
- (b) Movant be granted such other and further relief as the Court deems just and proper.

Respectfully submitted this 14th day of December, 2012.

/s/ by W. Russell Patterson, Jr.
W. Russell Patterson, Jr.
Attorney for Trustee
Georgia Bar No. 566920

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served all interested parties in the foregoing matter with a copy of the **Motion to Settle and Compromise Various Controversies**, by depositing in the United States mail a copy of same in a properly addressed envelope with sufficient postage affixed thereon to assure delivery addressed as follows:

United States Trustee
362 Richard B. Russell Bldg.
75 Spring Street, SW
Atlanta, GA 30303

Diego A. Molina-Salas
2623 Winding Lane NE
Atlanta, GA 30319

Edwin K. Palmer
P. O. Box 1284
Decatur, GA 30031

William J. Smith
2202 Dunwoody Gables Dr.
Dunwoody, GA 30338

This 14th day of December, 2012.

/s/ by W. Russell Patterson, Jr.
William Russell Patterson, Jr.
Attorney for Trustee
Georgia Bar No. 566920

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